

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

July 22, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

(Kauai)

Consent to Assign General Lease No. SP-122, Curtis and
Bonnie Lofstedt and Georgia Poppin Trust, Assignor, to
Kelley Carswell-Haneberg and David Carswell, Assignee

APPLICANT:

Curtis and Bonnie Lofstedt and Georgia Poppin Trust,
Assignor, to Kelley Carswell-Haneberg and David
Carswell, Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Lot 75, Waimea (Kona), Kauai, Tax Map Key: (4)1-4-004:0069,
as shown on the attached map labeled Exhibit A.

AREA:

.56 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CHARACTER OF USE:

Recreation - residence.

ITEM E5

TERM OF LEASE:

20 years, commencing January 1, 2009, and expiring on December 31, 2029. There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

\$7000.00.

CONSIDERATION:

\$100.00.

RECOMMENDED PREMIUM:

None.

DCCA VERIFICATION:

N/A because all persons involved are individuals or their trust and not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/assignee shall prepare and submit fully executed assignment of lease.

REMARKS:

Curtis and Bonnie Lofstedt and Georgia Poppin, Trust held the previous lease covering the property.

Act 223 (2008) and board action directed staff to negotiate new leases with existing permit holders so the new lease was issued to Curtis and Bonnie Lofstedt and Georgia Poppin Trust who now wish to assign to Kelley Carswell-Haneberg and David Carswell.

Lessee is in compliance with all lease terms and conditions. There have been no prior defaults.

Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Rent re-opening is not scheduled until after the first ten years of the lease. There are no outstanding rental reopening issues.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. SP-122 from Curtis and Bonnie Lofstedt and Georgia Poppin, Trust, Assignor, to Kelley Carswell-Haneberg and David Carswell, Assignee, subject to the following:

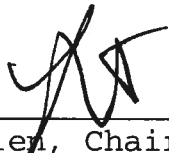
1. No premium to be charged;
2. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

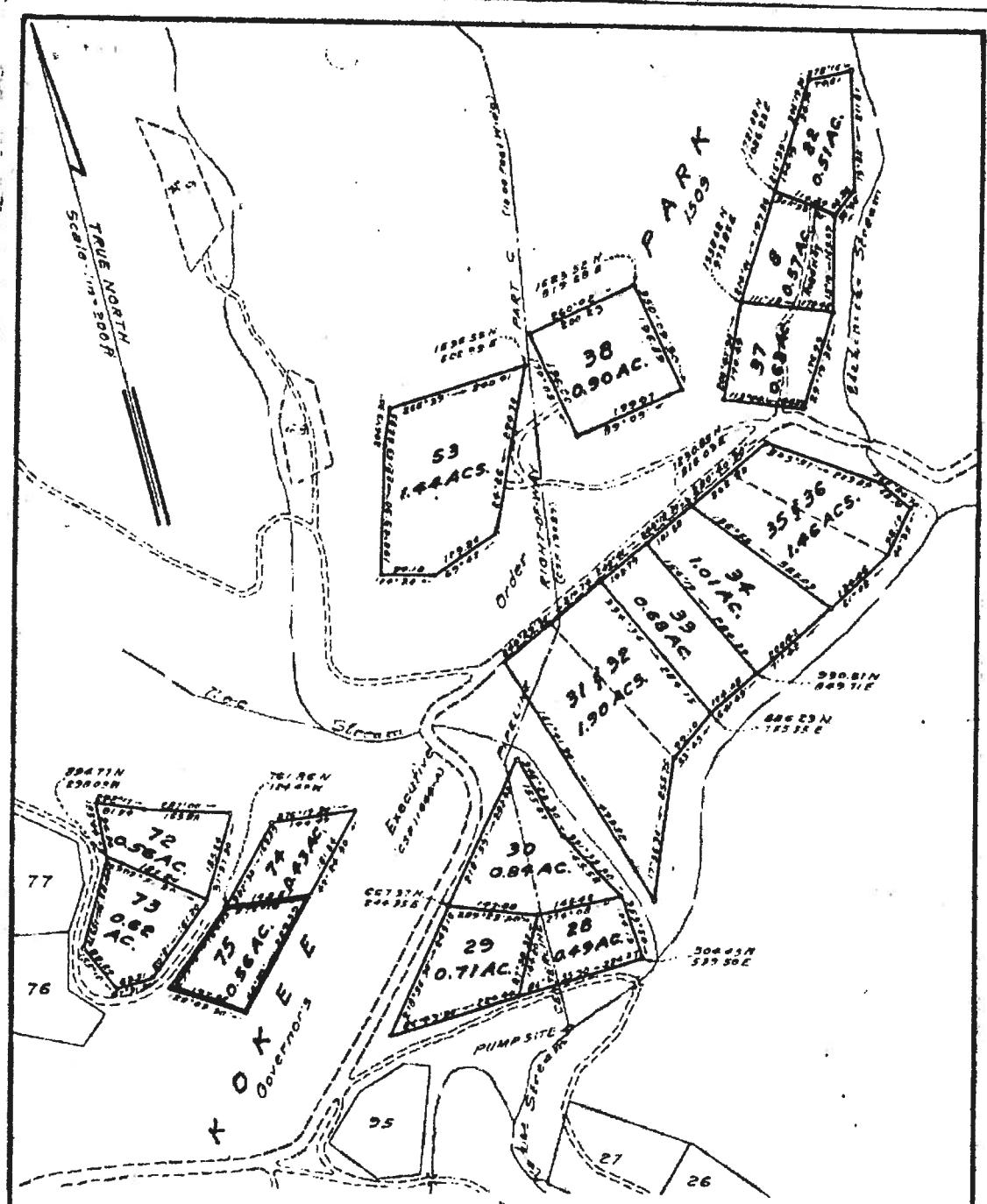


Daniel S. Quinn
State Parks Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



KOKEE CAMP SITE LOTS
LOTS 8, 22, 28, 29, 30, 31 & 32, 33, 34, 35 & 36,
37, 38, 53, 72, 73, 74 AND 75

Weimea, (Kona) Kauai, Hawaii.

EXHIBIT A

Scale: 1 inch = 200 feet

Lots 8 and 37 (combined) See map and description dated May 18, 1965. All corners marked with pipes. Coordinates referred to Kokee A.

JOB K-3626
 C. BK

TAX MAP 1-4-69
 KAUAI FILE
 FOLDER 3

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 STATE OF HAWAII

Sheet 4 of 7 Sheets

AT Nov 2, 1966

February 20, 2009

Dan Quinn
Department of Land and Natural Resources
PO Box 621
Honolulu, Hi 96809

RE: Property Description
TMK: 4/1-4-004:069
Lot 75, Kokee
Waimea, Kauai

Assignment of Lease # SP-0122

Dear Mr. Quinn,

Thank you for your letter of January 27, 2009 along with the signed Kokee lease. As per your instructions, we are hereby requesting a complete transfer of the above mentioned property to wholly new lesses, from Curtis and Bonnie Lofstedt and Georgia Poppin, Trust, to Kelley Carswell-Haneberg and David Carswell. We are also enclosing a copy of the proposed lease assignment document per your letter.

Due to extreme medical duress (Georgia Poppin) and due to loss of partnership in this lease and economic burdens (Lofstedts), we would like to release our lease assignment to Kelley Carswell-Haneberg and David Carswell who are willing and able to take on the responsibility of this lease for the Kokee property effective immediately.

The Carswells will take over the lease for a mere \$100. There will be no other money for consideration, of any kind, being paid for this transfer.

Thank you for your prompt attention to this matter. We understand that you will submit this request to the Board as soon as possible. We are working with Pat Childs, Esquire, who is assisting with this process. You may contact Mr. Childs at 808-245-2863 if you have any questions or need further information.

Sincerely,

Curtis and Bonnie Lofstedt
PO Box 831
Lihue, Hi 96766
Ph: (808) 246-0008

Georgia Poppin, Trust
16965 Lawrence Way
Grass Valley, Ca 95949
Ph: (530) 273-6238

Kelley Carswell-Haneberg

Kelley Carswell-Haneberg
PO Box 223340
Princeville, HI 96722
Ph: (808) 639-7383

David Carswell

David Carswell
PO Box 224
Hanalei, HI 96714
Ph: (808) 826-7485

Enclosure: _____

~~Copy of proposed lease assignment~~ *key*